

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

03 MAR 24 PM 1:01

MICHAEL D. ARRINGTON,

Plaintiff,

v.

BRUNO'S, INC.,

Defendant.

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U.S. DISTRICT COURT  
N.D. OF ALABAMA

CIVIL ACTION NO.

97-AR-2244-S



**ENTERED**

**MAR 24 2000**

**MEMORANDUM OPINION**

The court has for consideration the motion of Michael D. Arrington, plaintiff in the above-entitled cause, seeking what he describes as relief from the automatic stay. His motion is erroneously styled, but because he is *pro-se*, the court will give him the benefit of every doubt and will deem his motion as a motion to reinstate the action which was not stayed but, rather, dismissed.

The order of dismissal without prejudice entered on February 18, 1998, granted plaintiff the right to request reinstatement of any claim not adjudicated in or discharged by the bankruptcy proceeding in which Bruno's Inc. was the debtor. Plaintiff has not shown the court, or even attempted to show the court, if he timely sought an adjudication of his claim in the bankruptcy court, and if he did, what action, if any, the bankruptcy court took.

Of equal importance, the order of dismissal required any

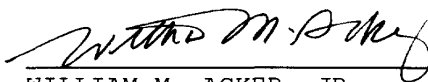
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petition for reinstatement to be filed within 60 days from the date upon which the bankruptcy court took action which triggered plaintiff's right to reinstatement. Plaintiff's motion, therefore, comes too late.

Plaintiff's motion was set on this court's regular motion docket for this date, but plaintiff did not appear.

By separate order plaintiff's motion for reinstatement will be denied.

DONE this 24<sup>th</sup> day of March, 2000.

A handwritten signature in black ink, appearing to read "William M. Acker, Jr.", is written over a horizontal line.

WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE